

FORM PTO-1390
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

80350-1220

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

To **104500242**

INTERNATIONAL APPLICATION NO.

PCT/FR02/04537

INTERNATIONAL FILING DATE

23 December 2002

PRIORITY DATE CLAIMED

28 December 2001

TITLE OF INVENTION

Medical Device for Explantation

APPLICANT(S) FOR DO/EO/US

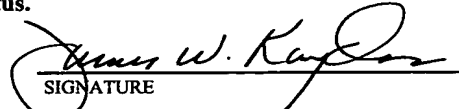
PAGANON, Pascal

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: PCT/RO/101; Copy of PCT Publication

| | | | | | | | |
|--|--|---------------------|---------------------|---|-----------|---|----|
| U.S. APPLICATION NO. (If known, use 37 CFR 1.53) To Be Assigned | | | | INTERNATIONAL APPLICATION NO. PCT/FR02/04537 | | ATTORNEY'S DOCKET NUMBER 80350-1220 | |
| 21. <input checked="" type="checkbox"/> The following fees are submitted: | | | | | | CALCULATIONS PTO USE ONLY | |
| BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): | | | | | | | |
| Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... | | | | | | \$1080.00 | |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO | | | | | | \$920.00 | |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO | | | | | | \$770.00 | |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) | | | | | | \$730.00 | |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) | | | | | | \$100.00 | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | | | \$ 920.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | | | \$ 130.00 | |
| CLAIMS | | NUMBER FILED | NUMBER EXTRA | RATE | \$ | | |
| Total claims | | - 20 = | | x \$18.00 | \$ | | |
| Independent claims | | - 3 = | | x \$86.00 | \$ | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$290.00 | \$ | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | | \$1050.00 | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | | | \$ -460.00 | |
| SUBTOTAL = | | | | | \$ 590.00 | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | | \$ 590.00 | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | | \$ 590.00 | | |
| | | | | | | Amount to be refunded: | \$ |
| | | | | | | charged: | \$ |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. | | | | | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. | | | | | | | |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-0778</u> A duplicate copy of this sheet is enclosed. | | | | | | | |
| d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status. | | | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | | | |
| James W. Kayden Thomas, Kayden, Horstemeyer & Risley, LLP 100 Galleria Parkway, NW Suite 1750 Atlanta, GA 30339-5948 | | | | | | | |
| | | | | | |  SIGNATURE | |
| | | | | | | James W. Kayden NAME | |
| | | | | | | 31,532 REGISTRATION NUMBER | |

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
UNDER THE PATENT COOPERATION TREATY

In Re Application of: **Paganon**
U.S. Serial No.: TBA
(Nat. Phase of Int. Appl. No.: PCT/FR02/04537)
U.S. Filing Date: Herewith
(Int. Filing Date: 23 December 2002)
Title: Medical Device for Explantation
Atty Docket No.: 80350-1220

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Enclosed for filing in the above-captioned International application are the following documents:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US);
2. Fee Calculation Sheet (in duplicate);
3. A Credit Card Authorization Form;
4. A translated International Application, including 17 pages of Description; 5 pages of Claims; a page of Abstract; and 4 sheets of Drawings (depicting Figures 1-7);
5. Preliminary Amendment;
6. Copy of PCT/R0/101 (PCT Request);
7. Copy of PCT Publication WO 03/055419 A1;
8. Information Disclosure Statement, including a copy of the International Search Report, Form 1449 and seven (7) references; and
9. Return receipt postcard.

The Commissioner is authorized to charge the deposit account No. 20-0778 any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0778.

Respectfully submitted,

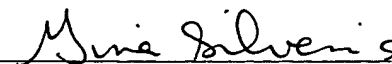

James W. Kayden; Reg. No. 31,532
Attorney for Applicant

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& RISLEY, L.L.P.**

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Atlanta, GA 30339-5948
Telephone: (770) 933-9500
Facsimile: (770) 951-0933

I hereby certify that all correspondence listed above are being deposited for delivery to the above addressee, with the United States Postal Service as "Express Mail", under Express Mail Label No. **EV 437536623 US** service under 37 CFR 1.10 on the date indicated below.

Date: June 25, 2004


Gina Silverio